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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,888

04/27/2005

Shuji Tabuchi

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2256

53148

7590

03/17/2009

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EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

MAIL DATE

DELIVERY MODE

03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,888	Applicant(s) TABUCHI, SHUJI	
	Examiner Luan K. Bui	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Continued Prosecution Application

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/2/2009 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flores, Jr. et al. (6,454,090; hereinafter Flores'090) in view of Taniyama (5,495,940). Flores'090 discloses case (100, Figure 6) for holding an article comprising a bottom panel (104) having a plurality of latching members (140, 141) for latching the article, the plurality of latching members including two latching members (140, 141) disposed at opposite sides of the bottom panel (a straight line taken along the latching members 140, 141) and a pair of release members disposed at opposite sides of the bottom panel (a straight line taken along the release members 160, 161) with at least one release member (160, 161) disposed at a location near either one of the two latching members for releasing the latching of the article. Flores'090 further discloses the release member and the one latching member are separate from each other and other

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limitations of the claims. However, Flores'090 fails to disclose the article being a substantially rectangular article (which is not positively recited in the claims), Taniyama teaches a case (25, 30, 50) for holding a substantially rectangular cartridge/article (13).

It would have been obvious to one having ordinary skill in the art in view of Taniyama to modify the case of Flores'090 so the case is modified to hold a substantially rectangular article to allow the case for holding various types of articles. The case of Flores'090 as modified for holding the substantially rectangular article comprises the two latching members (140, 141) disposed at opposite sides of the substantially rectangular article (such as two elongated sides) and the pair of release members (160, 161) disposed at opposite side of the substantially rectangular article (such as two short sides) with each corner of the substantially rectangular article is disposed between one of the latching members (140 or 141) and one of the release members (160 or 161) which are considered equivalent to “said one latching member is provided to face one of the two sides of the cartridge defining the corner of the cartridge, and the release member is provided to face the other side of the two sides of the cartridge defining the corner of the cartridge” as claimed.

4. Claims 3 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference(s) as applied to claim 1 above, and further in view of Chiu (2002/0100701). Flores'090 discloses the case as above having most of the limitations of the claims except for the release member being provided at the bottom panel so as to lift up a lower face of the article. Chiu shows a case (1-3) for holding an article comprising an engaging member (53) for engaging the article and a release member (an incline member having a finger hole 51, 52 in Figure 2)

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against a rear face of the article for pushing the article upward when an ear (5) is depressed. The release member disposed at the bottom panel of the case. It would have been obvious to one having ordinary skill in the art in view of Chiu to modify the release member of Flores'090 so the release member is provided at the bottom panel so as to lift up the lower face of the article to facilitate releasing the article.

As to claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the case of Flores'090 so the bottom panel is square instead of the rectangle because a change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. In re Dailey et al., 149 USPQ 47.

As to claim 11, Chiu shows at least one pedestal (31).

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference(s) as applied to claim 1 above, and further in view of Deja (5,526,926). Flores'090 discloses the case as above having most of the limitations of the claims except for the release member includes an engagement release component, a pressure release component and a linking release component for releasing the article.

Deja shows a case for holding an article comprising a release member comprising an engagement release component, a pressure release component and a linking release component (12, 13, 16) for releasing the article. It would have been obvious to one having ordinary skill in the art in view of Deja to modify the case of Flores'090 so the release member comprises an engagement release component, a pressure release component and a linking release component to facilitate

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releasing the article. As to claim 5, Deja shows the release member (16) provided at the rear face of the article.

Response to Arguments

Applicant's arguments with respect to 3/2/2009 have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
March 18, 2009

/Luan K. Bui/
Primary Examiner
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